

REMARKS

Claims 1-6 are all the claims pending in the application. Claims 1-6 have been examined. Claims 1 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,088,158 to Kimura ("Kimura") in view of U.S. Patent No. 6,665,118 to Yamaguchi et al. ("Yamaguchi"). The Examiner has indicated that claims 2-3 and 5-6 would be allowable if rewritten in independent form.

I. AMENDMENTS TO THE CLAIMS

Claims 1 and 4 have been amended to more thoroughly define the present invention.

II. CLAIM REJECTION

Claims 1 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura in view of Yamaguchi. However, Applicant submits that the cited art fails to teach each element of claims 1 and 4.

Kimura teaches a screen having a Fresnel lens 12, a lenticular lens 11 and a protective panel 13. Figs. 1A-1C; col. 3, line 12 to col. 4, line 5. Protective panel 13 emits water vapor when the external humidity is decreased. Col. 3, lines 66 to col. 4, line 5. The Examiner appears to assert that this water vapor emission corresponds to the core member capable of being emitted externally. However, the rejection is not clear in this regard. The Examiner then asserts that use of a diffusive surface to reduce reflection is well known in the art as taught by Yamaguchi.

The Examiner, however, has not identified the structure in Kimura that corresponds to the claimed core member. As claim 1 is an apparatus claim, it is structure that is relevant. *See* MPEP 2114 (stating that a prior art device can perform all the functions of the apparatus claim

and still not anticipate the claim). Water vapor may be absorbed by Kimura's protective panel 13 and emitted when the humidity drops. However, the water is not part of the screen's structure; it is part of the atmosphere in which the screen may exist. Thus, because the Examiner has not recited structure in the Kimura screen corresponding to the structure in claim 1, the rejection must fail. As neither Kimura nor Yamaguchi, alone or in combination, teach or suggest a screen having the structure recited in claim 1, in particular, a screen having a core member capable of being emitted externally, claim 1 is patentable over the combination of Kimura and Yamaguchi.

A second possibility is that the Examiner is asserting that protective panel 13 corresponds to the core member recited in claim 1. However, under such an interpretation of the rejection, the rejection must also fail. Protective panel 13 is not emitted externally as recited in claim 1.

As claim 4 recites claim elements similar to those distinguished above with respect to claim 1, Applicant submits that claim 4 is allowable over the cited art for analogous reasons.

III. CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 10/684,814

Attorney Docket No. Q77659

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER



Brandon M. White
Registration No. 52,354

Date: October 4, 2004